

## Message Text

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46

ACTION EUR-12

INFO OCT-01 ISO-00 OPR-02 TRSE-00 CU-04 OMB-01 CIAE-00

COME-00 EB-07 INR-07 LAB-04 NSAE-00 SIL-01 DODE-00

PM-03 H-02 L-03 NSC-05 PA-02 PRS-01 SP-02 SS-15

USIA-15 OPIC-06 SCA-01 SCSE-00 A-01 /095 W

----- 059661

R 150855Z JUL 75

FM AMEMBASSY LISBON

TO SECSTATE WASHDC 3425

INFO AMEMBASSY PARIS

AMCONSUL OPORTO

AMCONSUL PONTA DELGADA

UNCLAS LISBON 3980

PARIS FOR CUSTOMS ATTACHE

E.O. 11652: N/A

TAGS: CPRS PGOV PO

SUBJ: SHIPMENT OF PERSONAL PROPERTY FROM PORTUGAL

SUMMARY: A CHANGE IN EXPORT PROCEDURES IS CAUSING DIFFICULTIES FOR NON-OFFICIAL PERSONS, AMERICANS AND OTHER FOREIGNERS INCLUDED, TRYING TO DEPART FROM PORTUGAL WITH THEIR HOUSEHOLD GOODS. END SUMMARY.

1. A DECREE ISSUED ON MAY 6, 1974 PROVIDES THAT PERSONS DEPARTING PORTUGAL PERMANENTLY CAN TAKE WITH THEM NO MORE THAN 30,000 ESCUDOS (US\$ 1,200) WORTH OF SILVERWARE, JEWELRY, WORKS OF ART, AND PRECIOUS STONES AND METALS. UNTIL RECENTLY, THE RIGORS OF THIS LAW WERE ALLEVIATED BY A PROVISION WHEREBY AN EXPORT PERMIT (BOLETIM DE REGISTO DE EXPORTACAO) COULD BE OBTAINED FROM THE DEPARTMENT OF FOREIGN TRADE, MINISTRY OF ECONOMICS, TO EXPORT A LARGER AMOUNT. PROCESSING THIS PERMIT GAVE THE PORTUGUESE AUTHORITIES AN OPPORTUNITY TO EVALUATE THE GOODS TO INSURE THAT PERSONS WHO THE REVOLUTIONARY GOVERNMENT CONSIDERS HAD UNJUSTLY ENRICHED

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THEMSELVES UNDER THE OLD REGIME WERE NOT EXCAPING FROM PORTUGAL

WITH THEIR WEALTH.

2. AN ADDITIONAL STEP WAS NEEDED TO EXPORT PAINTINGS, ANTIQUES, AND OTHER WORKS OF ART. THESE NEEDED A CERTIFICATE FROM THE MINISTRY OF EDUCATION AND CULTURE THAT THE REMOVAL OF THESE ITEMS WAS NOT DESPOILING THE "NATIONAL PATRIMONY." ALL OF THESE REQUIREMENTS AND LICENSING REGULATIONS ARE IN ADDITION TO THE DIRECT CONTROLS EXERCISED BY THE BANK OF PORTUGAL OVER THE FLOW OF CURRENCY AND NEGOTIABLE INSTRUMENTS.

3. THE WORDING OF THE IMPLEMENTING LEGISLATION WAS VAGUE AND DEPENDED HEAVILY ON ADMINISTRATIVE INTERPRETATION. AS THE SYSTEM OPERATED, THE EXPORTATION OF THE DESIGNATED TYPES OF VALUBLES REQUIRED AN APPRAISAL BY A GOVERNMENT APPROVED APPRAISER AND PACKING UNDER CUSTOMS HOUSE SUPERVISION. THE PACKING COMPANY'S CUSTOMS BROKER WOULD THEN OBTAIN THE REQUIRED EXPORT PERMIT, AND THIS WOULD BE SUBMITTED ALONG WITH THE PACKED GOODS TO THE CUSTOMS SERVICE FOR AUTHORIZATION OF LOADING AND SHIPPING.

4. UNTIL RECENTLY, THE SYSTEM CREAKED ALONG, ALBEIT INEFFICIENTLY. THE MAIN PROBLEM WAS THAT THERE WAS NO ROUTINE, SO EACH CASE WAS TREATED AS SUI GENERIS WITH OFFICIALS ALL ALONG THE LINE LEFT UNGUIDED BY PRECEDENT BUT RELUCTANT TO MAKE DECISIONS DE NOVO FOR WHICH THEY MIGHT BE CALLED TO ACCOUNT LATER ON. THE END, HOWEVER, THE GOODS WERE USUALLY SHIPPED.

5. LATE IN JUNE, HOWEVER, IT ALL CAME TO A STOP. AS WE UNDERSTAND THE STORY TWO LIFT-VANS OWNED BY A RICH PORTUGUESE LAND-OWNER WERE DELIVERED TO THE PORT FOR SHIPMENT TO BRAZIL. THEY WERE MARKED "HOUSEHOLD GOODS" AND PROPERLY DOCUMENTED. A "WORKERS' COMMISSION" IN THE CUSTOMS HOUSE DEMANDED TO LOOK INTO THE CRATES, AND WHEN THEY WERE OPENED, THEY WERE FOUND TO BE FULL OF VALUABLE SILVERWARE. THE WORKERS' COMMISSION THEN DECIDED TO TAKE A HAND IN RUNNING THINGS.

6. THE COMMISSION FIRST DECLARED THAT THE PERMITS BEING ISSUED BY THE DEPARTMENT OF FOREIGN TRADE WERE INTENDED SOLELY TO FACILITATE THE SHIPMENT OF COMMERCIAL CARGOES AND WERE NOT SUITABLE FOR THE MOVEMENT OF HOUSEHOLD GOODS. THE COMMISSION WENT ON TO DECLARE THAT SINCE THERE WERE NO OTHER METHODS OF

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GRANTING EXCEPTIONS TO THE PROVISIONS OF THE BASIC DECREE LAW, SILVERWARE AND OTHER VALUABLES WITH AN AGGREGATE VALUE IN EXCESS OF 30,000 ESCUDOS COULD NOT BE EXPORTED FROM PORTUGAL. THE WORKERS COMMISSION HAS PROMISED TO COOPERATE IN DRAFTING RELIEF PROVISIONS, BUT IN THE MEANTIME, THEY INSIST THAT THE CEILING OF 30,000 ESCUDOS VALUE MUST BE OBSERVED IN ALL CASES REGARDLESS OF WHETHER THE SHIPPER IS PORTUGUESE OR FOREIGN OR WHETHER THE VALUABLES WERE BROUGHT INTO THE COUNTRY OR PURCHASED LOCALLY.

7. MANY OF THE FOREIGN RESIDENTS IN PORTUGAL ARE HIGHLY PAID BUSINESSMEN OR WELL-TO-DO RETIREES WITH VALUABLES WORTH FAR MORE THAN 30,000 ESCUDOS. THE RESULT IS THAT MOST SHIPMENTS OF HOUSEHOLD EFFECTS HAVE STOPPED COMPLETELY. IT MIGHT BE NOTED, HOWEVER, THAT THESE REGULATIONS DO NOT AFFECT OFFICIAL AND DIPLOMATIC SHIPMENTS. IT SHOULD ALSO BE NOTED THAT THIS SITUATION OBTAINS ONLY IN THE LISBON CUSTOMS DISTRICT, BUT SINCE NEARLY ALL HOUSEHOLD SHIPMENTS MOVING OUT OF MAINLAND PORTUGAL PASS THROUGH LISBON, IT IS NEARLY A HUNDRED PERCENT EFFECTIVE AS FAR AS THE FOREIGN COMMUNITY IS CONCERNED.

8. EMBASSY CONSULAR OFFICERS ARE IN CONTACT WITH THEIR COUNTERPARTS IN OTHER EMBASSIES, AND THE MATTER HAS BEEN RAISED INFORMALLY WITH THE FOREIGN OFFICE, WHICH CLAIMED NO KNOWLEDGE OF THE SITUATION.

9. THE MATTER IS EITHER A LABOR-MANAGEMENT ISSUE WITHIN THE CUSTOMS SERVICE OR A JURISDICTIONAL DISPUTE BETWEEN THE CUSTOMS SERVICE AND DEPARTMENT OF FOREIGN TRADE, PROBABLY THE FORMER. IN ANY EVENT, IT IS PRETTY GENERALLY AGREED THAT IT IS STILL TOO EARLY FOR THE EMBASSIES TO MAKE A FORMAL ISSUE OF IT. THIS COULD HARDEN POSITIONS PREMATURELY. IF THE MATTER SHOULD DRAG ON TOO LONG, HOWEVER, CONCERTED ACTION BY THE MAJOR WESTERN EMBASSIES IS BEING CONSIDERED.

10. OWING TO THE UNCERTAIN NATURE OF ALL ADMINISTRATIVE PROCEDURES IN PORTUGAL THESE DAYS, THE SYSTEM COULD CHANGE FROM DAY TO DAY. IN FACT, ACCORDING TO OUR READING OF THE LAW, A METHOD OF APPEALS THROUGH THE DIRECTOR-GENERAL OF CUSTOMS COULD BE DEvised WITH THE AUTHORITY ALREADY AT HAND. WHATEVER HAPPENS, WE WILL REPORT TO THE DEPARTMENT BY TELEGRAM AS CHANGES AND UNCLASSIFIED

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CLARIFICATIONS OCCUR. EUR/WE SHOULD BE KEPT INFORMED.  
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## Message Attributes

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**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
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**Copy:** SINGLE  
**Draft Date:** 15 JUL 1975  
**Decaption Date:** 01 JAN 1960  
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**TAGS:** CPRS, PGOV, PO, US  
**To:** STATE  
**Type:** TE  
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